

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

JODI LYNN KIRBY,)	
)	
Plaintiff,)	
)	
VS.)	No. _____
)	JURY DEMAND
WALMART STORES EAST, LP.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant hereby gives notice of the removal pursuant to 28 U.S.C. § 1441 et. seq., of the following action filed against it: Jodi Lynn Kirby v. Walmart Stores East, LP, in the Circuit Court for White County, Tennessee, No. CC-3126-Y .

This is a suit of wholly civil nature filed in Tennessee state court. The action is pending in the Circuit Court for White County, Tennessee. Under 28 U.S.C.A. §§ 123(a)(3) and 1441(a), the United States District Court for the Middle District of Tennessee, Northeastern Division is a proper forum for removal.

This Court has original jurisdiction pursuant to 28 U.S.C.A. § 1332 because there is complete diversity of citizenship and the amount in controversy exceeds \$75,000. The Complaint demands “judgment against the Defendant in an amount up to Three Hundred Thousand (\$300,000) Dollars.” Plaintiff is a citizen and resident of Sparta in White County, Tennessee.

Wal-Mart Stores East, LP is a Delaware limited partnership. The general partner is WSE Management, LLC, a Delaware limited liability company. The limited partner is WSE Investment, LLC, a Delaware limited liability company. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC fka Wal-Mart Stores East, Inc., an Arkansas limited liability company. The sole member of Wal-Mart Stores East, LLC is Walmart Inc. fka Wal-Mart

Stores, Inc., a Delaware corporation. There are no other owners of Wal-Mart Stores East, LLC. Walmart Inc. is and was at the times plaintiff's complaint was filed and this matter is being removed to this Court a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Bentonville, Arkansas. Walmart Inc. is a publicly traded company on the New York Stock Exchange and traded under the symbol WMT. No publicly traded entity owns more than 10% of Walmart Inc. The principal place of business for all entities mentioned is 702 S.W. 8th Street, Bentonville, Arkansas 72716.

Plaintiff provided defendant a copy of the complaint on November 16, 2021. Copies of the summons and complaint are attached as Exhibits A and B, respectively. Fewer than thirty days have expired since defendant was provided a copy of the complaint. This Notice of Removal is timely filed as set forth in 28 U.S.C. §1446(b).

WHEREFORE, Defendant hereby gives notice of the removal of this action pending in the Circuit Court for White County, Tennessee, to the United States District Court for the Middle District of Tennessee, Northeastern Division, and request that the proceedings be held thereon.

/s/ Elle G. Kern
G. Andrew Rowlett, No. 16277
Elle G. Kern, No. 34301
HOWELL & FISHER, PLLC
3310 West End Avenue
Suite 550
Nashville, TN 37203
#615/244-3370
arowlett@howell-fisher.com
ekern@howell-fisher.com
Attorneys for defendant

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was electronically filed with the Court and was served by U.S. Mail, postage prepaid, upon:

William A. Cameron
CAMERON, GOOLSBY & GROSS
100 South Jefferson Avenue
Cookeville, TN 38501
lisa@cggattorneys.com

this the 23rd day of November, 2021.

/s/ Elle G. Kern